

DOCKET NO.: DM6993/BMS-0689
Application N .: 09/534,893
Office Action Dated: April 11, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS/ARGUMENTS

This is a Response to the Official Action dated April 11, 2003. After amendment of the claims as indicated above, claims 17, 20-24, 26-32, and 55-58 will remain pending in this application. Claim 17 has been amended, consistent with the Examiner's suggestion, with respect to the term "physical property." Claims 1-16, 18, 19, 25, and 33-54 have been canceled because the Examiner has indicated that they are drawn to a non-elected invention. Applicant reserves the right to file divisional applications to the non-elected subject matter. No claims have been added in this amendment.

In view of the foregoing amendment, as well as the arguments that follow, reconsideration of the application and a notice of allowance are respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 17, 20-24, 26-32, and 55-58 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (Office Action at 2). Specifically, the Examiner has indicated that "[i]t is unclear what physical property, not the definition of physical property, which is being claimed" (*id.* at 3).

Applicant respectfully disagrees with this rejection, but in the interest of facilitating prosecution, Applicant has amended independent claim 17 to delete the term "physical property" and to now recite, in part, "acquiring image slices representing *the concentration of radioactivity within* the radiolabelled pulmonary embolus." Support for this amendment can be found in the specification at, for example, page 26, lines 3-4. This amendment is consistent with the Examiner's suggested amendment to obviate the rejection. Applicant

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respectfully submits that one of ordinary skill in the art would have no difficulty determining the intended meaning and scope of the pending claims, as amended herein.

Accordingly, Applicant respectfully requests that the pending rejection of independent claim 17, and claims dependent thereon, under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION

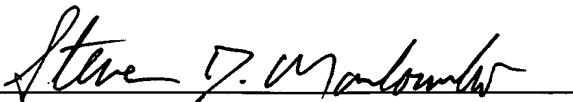
Applicant believes that the foregoing constitutes a complete and full response to the Office Action of record. An early and favorable consideration of the present application is respectfully requested.

Please continue to send all correspondence to:

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Respectfully submitted,

Date: July 3, 2003



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